

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES,

-against-

SHIRRA LOWRY,

Defendant.

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NOT FOR PUBLICATION
MEMORANDUM & ORDER
11-cr-202 (CBA)

AMON, Chief United States District Judge.

By letter dated October 11, 2012, defendant Shirra Lowry, through counsel, moves this Court pursuant to 18 U.S.C. § 3583(e)(1) for an order terminating his term of supervised release. On April 15, 2011, Lowry pled guilty before this Court to bulk cash smuggling in violation of 18 U.S.C. § 5332(a). The Court sentenced Lowry to a forfeiture of \$86,000, 60 days in custody, and a two year term of supervised release—a sentence below the guideline range of 12 to 18 months incarceration. Lowry now claims that because of travel restrictions associated with his supervision, he has lost job opportunities in Bermuda and has been unable to visit his wife and son, who reside in the Dominican Republic. He requests an order terminating his term of supervised release so that he can relocate with his family to Bermuda. Def. Letter, D.E. # 20.

18 U.S.C. § 3583(e)(1) provides that a court may “terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.” Neither Lowry’s conduct nor the interests of justice supports termination of Lowry’s term of supervised release. On June 28, 2012, Lowry tested positive for drug use, and Lowry’s supervising probation officer, Kelly Adcock, reports that Lowry has failed to adequately pursue employment within the United States. Moreover, USPO Adcock further reports that she

is not able to verify the existence of job opportunities for Lowry in Bermuda. Gov. Letter, D.E. # 21. For the foregoing reasons, Lowry's letter motion is denied.

SO ORDERED.

Dated: November 1, 2012
Brooklyn, N.Y.

/s/
Carol Bagley Amon
Chief United States District Judge